

ORDINANCE NO. 03-007

A ORDINANCE EXTENDING THE ONE HUNDRED EIGHTY (180) DAY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS OR THE ISSUANCE OF PERMITS FOR OFF-PREMISES ADVERTISING SIGNS IN THE CITY OF CRESSON; DIRECTING CITY STAFF TO INITIATE AN IMMEDIATE CONSIDERATION OF APPROPRIATE REGULATIONS FOR OFF-PREMISES ADVERTISING SIGNS; PROVIDING FOR A METHOD OF REPEAL OF THIS MORATORIUM; PROVIDING FOR A VARIANCE; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE; PROVIDING FOR A PENALTY (Ordinance No. 02-004.1).

WHEREAS, the city council, at its regular meeting on October 8, 2002 adopted Ordinance No. 02-004.1 declaring a one hundred and eighty day moratorium on the acceptance of applications or the issuance of sign permits which ordinance also authorized the extension thereof by the city council; and

WHEREAS, the city council and staff are continuing to investigate and review federal and state law concerning the regulation of off-premises advertising signs and to make recommendations to the city council on possible regulations regarding off-premises advertising signs in the city; and

WHEREAS, the city council desires to maintain the status quo within the city until such time as the full city council has had a reasonable opportunity to review the recommended regulations and to take appropriate action as may be required to protect the public health, safety, and welfare; and

WHEREAS, a one hundred eighty (180) day extension of the moratorium placed on the issuance of permits for off-premises advertising signs is a reasonable and minimally intrusive method of maintaining the status quo until such review can be completed.

NOW, THEREFORE, be it resolved by the City Council of the City of Cresson, Texas:

I.

Effective May 8, 2003 for a period of one hundred eighty (180) days, no application for a new permit shall be accepted and no permit shall be issued for an off-premises advertising sign within the City of Cresson and no off-premises advertising sign shall be erected within the City of Cresson.

II.

The purpose of this moratorium is to maintain the status quo until such time as proper regulations have been adopted with regard to off-premises advertising signs.

III.

The term *off-premises advertising sign* as used in this ordinance shall mean a surface or sign used for advertising an establishment, merchandise, service or entertainment, that is sold, produced, manufactured and/or furnished at a place other than on the property on which the surface or sign is located. Off-premises advertising signs shall include, but not be limited to billboards.

IV.

The term *permit* as used in this ordinance shall mean a license, certificate, approval, registration, consent, permit or other form of authorization required by law, rule, regulation or ordinance that must be obtained by a person in order to perform an action or development or initiate a project for which the permit is sought.

V.

The city staff of the City of Cresson is hereby directed to initiate proper procedures for the consideration of possible regulations of off-premises advertising signs within the city, and to

make recommendations to the city council as expeditiously as possible with regard to any such regulations.

VI.

This moratorium shall remain in effect until such time as the city council has had a reasonable opportunity to consider and act upon appropriate regulations of off-premises advertising signs. Upon final adoption of an ordinance regulating off-premises advertising signs, or upon a determination being made by the city council that such regulations are not appropriate, this moratorium shall expire. This moratorium shall automatically expire one hundred eighty (180) days from the date of adoption, unless it is specifically extended by additional city council action for an additional time period.

VII.

Any property owner who believes that the imposition of this moratorium works a unique and unreasonable hardship upon his/her business shall have the right to request a variance to the provisions of this moratorium. A property owner seeking a variance shall submit a written request to the city council via the city secretary's office.

VIII.

Penalty Clause. Any person, firm or corporation in violation of any of the provisions of this ordinance shall be fined not less than \$50.00 and not more than \$2,000.00 per offense. Each day such violation exists shall constitute a separate offense. The Mayor or the Marshall shall have the authority to issue citations or file complaints in court for violations of this ordinance, said authority being in addition to any other remedy available under any other applicable ordinance or statute

IX.

Severability Clause. Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

X.

Effective Date. This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS THE 25th DAY OF March, 2002.



JOHN CARROLL, MAYOR

ATTEST:



KELLY FLUH, CITY SECRETARY